

COMMITTEE OF THE WHOLE **APRIL 19, 2004**

**OFFICIAL PLAN AMENDMENT FILE OP.03.017
ZONING BY-LAW AMENDMENT FILE Z.03.037
1570683 ONTARIO LIMITED
REPORT #P.2003.61**

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment Application OP.03.017 (1570683 Ontario Limited) BE APPROVED, and that the implementing OPA include policies requiring development to meet the City's Urban Design objectives for this site and specifically, that building facades are oriented towards Keele Street and Vista Gate.
2. THAT Zoning Amendment Application Z.03.037 (1570683 Ontario Limited) BE APPROVED, subject to the following conditions:
 - a) that the implementing zoning by-law;
 - i) zone the westerly portion of the subject property from OS1 Open Space Conservation Zone to C3 Local Commercial Zone;
 - ii) require that a minimum 185m² seniors' meeting/recreational unit be provided for the City on the site in accordance with the bonussing agreement applicable to the subject lands;
 - iii) permit an eating establishment (take out) use in a C3 Local Convenience Commercial Zone, provided that the combined total gross floor area of all eating establishment uses on the site does not exceed 20% of the total gross floor area of the building; and,
 - iv) provide the necessary exceptions required to implement the final approved site plan;
 - b) that the implementing zoning by-law not be enacted until a site plan application has been approved.

Purpose

On May 16, 2003, the Owner submitted applications to amend the Official Plan and Zoning By-law to permit a commercial use adjacent to Keele Street. The subject lands are designated "Special Residential" by OPA #332, which includes development policies requiring commercial uses to be located internally within the community, and to not have direct access or be visible from an arterial road. The commercial site abuts Keele Street at the Vista Gate entrance to the community, clearly visible from an arterial road.

The subject lands are zoned C3 Local Commercial Zone and OS1 Open Space Conservation Zone by By-law 1-88. The applicant proposes to rezone the OS1 Zone portion to C3 Zone, and to add an eating establishment (take out) as a permitted use on the site. Other zoning exceptions may be required to implement the final site plan.

Background - Analysis and Options

The site is located on the northeast corner of Keele Street and Vista Gate, in Lot 30, Concession 3, being Blocks 389 and 390 of Plan 65M-3556, City of Vaughan.

The lands are designated "Special Residential" by OPA #332, and zoned C3 Local Commercial Zone and OS2 Open Space Park Zone by By-law 1-88, as amended. The surrounding land uses are:

- North - residential (RVM1(B) Residential Urban Village Multiple Zone and RV4 Residential Urban Village Zone)
- South - Vista Gate; stormwater pond (OS1 Open Space Conservation Zone) and Seniors' Residence (RVM2 Zone)
- East - Ravineview Drive; park (OS2 Open Space Park Zone) and residential (Residential (RVM1(A) Residential Urban Village Multiple Zone, RV3 and RV4 Zones)
- West - Keele Street; vacant (A Agricultural Zone)

On August 8, 2003, a notice of Public Hearing was circulated to all property owners within 120 metres of the subject land, and to the Maplewood Ravines Community Association. No comments have been received to date.

Council considered a preliminary report respecting the proposed applications on September 8, 2003, at which time the following recommendation of the Committee of the Whole (Public Hearing), was adopted (in part):

"That the applicant meet with the Ward 1 Sub-Committee and area residents to resolve outstanding issues, prior to this matter being brought forward to the Committee of the Whole meeting; and,

That staff be directed to take the necessary steps to remedy the walkway and fence issue at the subject location."

A Ward 1 Sub-Committee meeting was held on March 30, 2004. Several residents attended the meeting and the majority of comments provided were site plan related, including, but not limited to:

- access location;
- garbage storage;
- pedestrian access onto the development;
- the need for the proposed walkway; and,
- the general overall design of the site.

These matters will be considered as part of the site plan review.

Proposed Land Use

The application proposes to redesignate and rezone the lands fronting onto Keele Street for local convenience commercial purposes. The zoning by-law allows a church or community centre use on the C3 Zone portion of the property. The commercial land use is designated to provide a community focused development. The Official Plan states:

"Commercial uses serving the day-to-day needs of the residents of the development shall be provided. These uses may include a tuck shop, postal services, banking services, barber shop and beauty parlour, medical and dental services, cafeteria, and restaurant. As these commercial facilities are intended for the use of residents, their guests and families, they will not have direct access or visibility to an external municipal road but rather will be located internally, within the community."

The proposal does not include direct access onto Keele Street, thereby complying with the access requirement of the Official Plan. The development would, however, be visible from Keele

Street. The proposed “L-shaped” design and location of the commercial development adjacent to the Keele Street and Vista Gate property lines provides an opportunity to create a strong building design forming an entry feature into the community, while maintaining a community focus from the perspective of limited access from Keele Street, and permitting commercial uses that cater to a local market.

The urban design considerations are significant in achieving a building that makes a positive contribution to the streetscape. The site organization and building placement is positive if the building fronts, rather than backs onto Keele Street and Vista Gate, with relationship to the street. In this context, Staff recommends that a policy be included in the Official Plan Amendment to ensure that the City’s urban design objectives are achieved at this location.

Zoning

The application requests that an eating establishment (take-out) use be permitted on the site. By-law 1-88 currently permits an eating establishment and eating establishment (convenience) on the site, provided that the total gross floor area devoted to these uses does not exceed 20% of the gross floor area of the building, which in this case is approximately 383m² (4123 sq. ft.). Staff does not have any objection to the requested eating establishment (take-out) use, provided the 20% cap for all eating establishment uses on the property is maintained.

Bonussing Agreement

This site is subject to a bonussing agreement, which was entered into between the Owner and the City when the broader subdivision plan was approved. The agreement obliges the Owner to provide, at its own cost, the following:

- a unit(s) of no less than 185m² (2000 sq. ft.) intended to be used by senior citizens on a no-charge basis for uses such as, but not limited to, meeting rooms, food services, library facilities and recreational facilities, for use for a period of 20 years;
- loose furnishings for the facility; and,
- minor repairs, general insurance, property maintenance, utility charges, and property tax.

The zoning by-law permits a seniors’ meeting/recreational use, however the wording does not require that it be provided as set out in the bonussing agreement. Staff recommends that the By-law be amended to implement the requirements of the bonussing agreement.

Future Site Plan Considerations

The following issues are to be reviewed in detail upon submission of the site plan application and included in a future report to the Committee of the Whole:

v) Walkway

- determining the final disposition of the potential walkway: If the walkway from Bestview Crescent is deleted, the opening should be closed with the appropriate fencing.

ii) Rooftop Mechanical Screening

- the appropriate rooftop mechanical screening drawings must be submitted with a site plan application.

iii) Signage and Lighting

- the proposed parking area abutting residential development will be lit and, spillover lighting must be considered. Similar lighting and aesthetic concerns apply to potential signage on the site. A lighting and signage plan must be submitted with the site development application.

iv) Garbage Storage

- the garbage storage area must be internal to the proposed building.

v) Pedestrian Access

- opportunities will be reviewed for increased pedestrian access (i.e walkways) through the site.

The site plan application has recently been submitted and the above matters will be considered through the site plan review process.

Conclusion

The applicant has applied to amend the Official Plan and Zoning By-law to redesignate and rezone a portion of the subject lands to facilitate the development of a 1951m² commercial project, and including an eating establishment (take- out) as a permitted use. Staff is satisfied that, subject to the comments in this report, the commercial designation and zoning can be extended to the adjacent property while still maintaining a commercial facility with a local/neighbourhood focus. In particular, the final building design is critical to ensuring that the corner is developed with a building with a strong street-related design that will also serve as an attractive entry feature for the community.

Staff can support the applications subject to conditions contained in this report. Should Council concur, the Recommendation in this report can be adopted.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Manager of Development Planning

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Attachment **1**

FILE No.:
OP.03.017 &
Z.03.037

April 1, 2004

City of
Vaughan

Community Planning Department

Location Map

Part Lot 30,
Concession 3

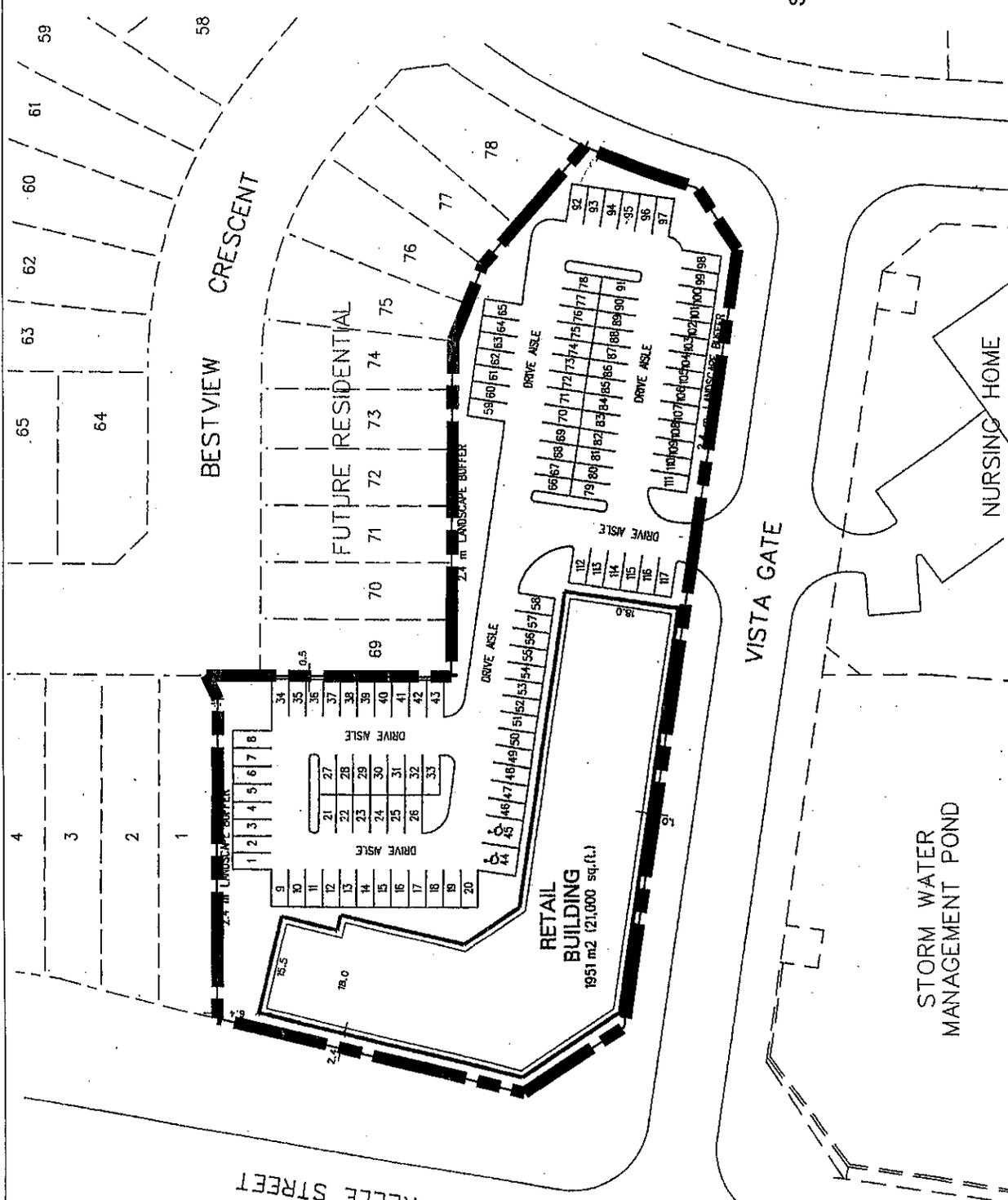
APPLICANT:
1570683 ONTARIO LIMITED

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Not to Scale

SUBJECT LANDS



Attachment 2

FILE No.:
OP.03.017 &
Z.03.037
April 1, 2004



Community Planning Department

Site Plan

Part Lot 30,
Concession 3
APPLICANT:
1570683 ONTARIO LIMITED
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